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May 18, 2015

VIA E-MAIL AND FEDERAL EXPRESS

Alyse Stoy
Associate Deputy Regional Counsel
Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219

Re: West Lake – Cotter's Additional Sampling Program

Dear Ms. Stoy:

We write to you on behalf of Cotter Corporation (N.S.L.) ("Cotter") seeking your approval to conduct additional sampling at the West Lake Landfill Superfund Site located in Bridgeton, Missouri (the "Site"). As you know, Phase 1D work has commenced at the Site already and Cotter is participating in implementation of that work. In conjunction with the additional investigations requested by the Environmental Protection Agency ("EPA") in your letter dated April 20, 2015, Cotter wishes to drill seven additional borings in Areas 1 and 2 of Operable Unit 1 ("OU-1").

Cotter had hoped to bring this proposal to EPA with the concurrence and support of Respondent Bridgeton Landfill, LLC and Rock Road Industries, Inc. (the "Republic entities"), but has been unable to obtain that concurrence, despite its repeated efforts over the past several weeks. Although we will continue to strive for an agreement, attorneys for the Republic entities advised Cotter that they will not agree to share in the funding of Cotter's proposed work, and that the Republic entities may deny Cotter access to the Site to drill these additional borings. Cotter has also requested concurrence and funding approval from the Department of Energy, which is considering Cotter's proposal.

As you know, the fieldwork for the Phase 1D work has already commenced and EPA wishes to proceed promptly with fieldwork for the additional Area 1 and 2 investigations. As you observed in your April 20 letter, additional characterization efforts can be planned and implemented in a manner that maximizes efficiencies with contractor and equipment

mobilization. Therefore, Cotter is submitting this request to EPA to obtain EPA's approval as to the work Cotter proposes to perform, and EPA's assistance in obtaining the access required to complete its proposed work, if access is denied by the Republic entities.

Paragraph 49 of the 1993 Administrative Order on Consent ("AOC"), Docket No. VII-93-F-0005 (as amended), authorizes Cotter, as a Respondent, "to gather any additional data not specified or required under this Consent Order," subject to EPA's approval. For your reference, we also have enclosed a memorandum and associated drawings providing detail of Cotter's proposed additional testing and the anticipated impact of that additional testing on the schedule.

The objective of the investigation is to collect data necessary to identify and characterize the radiologically impacted material ("RIM") in OU-1 Areas 1 and 2 and to assess the potential for RIM to impact groundwater. The additional sampling proposed by Cotter will emphasize collection of data to aid in the following objectives:

1) Improved understanding of the chemical and radiological compositions of RIM, which heretofore has been assumed to consist solely of the Leached Barium Sulfate Residue ("LBSR") material, consistent with the objectives set forth in Paragraph 4.2 of the RI/FS Statement of Work (as revised, March 21, 1997);

2) Help quantify the leachability of radionuclides and RCRA metal barium (which is the dominant constituent (by weight) of the LBSR when RIM samples of any origin(s) are subjected to the Toxicity Characteristic Leaching Procedure ("TCLP")), which in turn will support contaminant fate and transport evaluations (among other things); and

3) Improved understanding of distribution and concentrations of RIM within areas of previously identified RIM.

As illustrated in the accompanying figures, this additional work will largely comprise drilling seven additional borings within the RIM in Areas 1 and 2 of OU-1, in close proximity to historic sampling locations. These additional samples will supplement the sampling identified in the Phase 1 Work Plans as well as the results of earlier investigations of OU-1. The proposed borings would be located near locations where prior borings in Area 1 and 2 (specifically, WL-102, WL-106, and WL-114 in Area 1, and WL-209, WL-210, WL-234, and WL-235 in Area 2) identified more concentrated RIM at varying depths. *See* Figures 1 and 2, attached.

To properly assess the efficacy of a partial excavation alternative, it is essential to understand the short-range distribution of RIM. Positioning these samples very close to historic samples will help document the spatial distribution of RIM.

Cotter's proposed work also will help to distinguish materials containing LBSR from other potential RIM or sources of RIM at the Site. EPA identified this as a priority for the Phase 1D sampling in requesting that the data quality objectives specify how to differentiate radiological contaminants from a RIM source versus non-RIM/naturally occurring sources (Brad Vann letter of April 3, 2015). Identification of the presence (or absence) of any non-LBSR material is important in further assessing the human health and environmental impacts, if any, that can be caused by any non-LBSR radiological materials, as well as serving to better characterize the RIM in support of EPA's remedy selection process.

Cotter's proposed analyte list for this proposed work will help determine the presence of radiological materials with chemical compositions diagnostically different from the LBSR. These proposed analytes consist of Target Analyte List (TAL) metals, with a particular focus on barium, calcium, magnesium, scandium, niobium, and tantalum, as well as anions, including carbonate, sulfate and fluoride. A suite of radionuclides, including total and isotopic uranium and thorium and their pertinent decay products, will also be measured, along with soil pH. We note that these are the same analytes identified for testing as part of the Phase ID Investigation (*see* Work Plan Addendum – Phase ID Investigation, dated April 20, 2015, as revised May 1, 2015). To allow for direct comparison, these proposed samples would be collected using the same protocols used for the Phase 1D investigation. It is anticipated that the results of this augmented sampling effort will be incorporated in reports with the Phase 1D and the additional sampling in Area 1 and 2 requested by your April 20 letter.

This testing will also help both the EPA and the Respondents to address concerns from the community that the RIM contains radioactive substances other than LBSR, and that those materials might also leach into the groundwater. As you know, certain members of the local and the scientific community have raised concerns about the accuracy of the prior analysis of the chemical, physical, or radiological character of the radioactive materials disposed of at West Lake. This additional testing should provide additional information for use in responding to these professed concerns. Indeed, EPA has already expressed its intent to perform pyrolysis testing and TCLP analysis for leachability; the testing proposed by Cotter will provide EPA with additional data that can be used in this analysis, including analysis of leaching of radionuclides of concern from RIM in Areas 1 and 2. In addition, leaching tests can augment the geochemical model and aid in the evaluation of the potential for radionuclides to be released into the groundwater. TCLP tests are also critical for evaluating disposal options related to partial excavation alternatives, which is the purpose of EPA's most recent request for additional investigation.

The additional data Cotter wishes to collect is necessary for the reasons set forth above, and any delays associated with such testing should be negligible. If the additional work proposed above can be done in conjunction with the work contemplated by your April 20 letter, Cotter estimates that the seven proposed borings will require only three additional days for completion.

Accordingly, Cotter requests the EPA approve its proposal to conduct additional testing, and assist it with obtaining the access to perform this additional testing, if necessary.

Please do not hesitate to contact me if you have any questions or comments concerning the proposed additional borings.

Sincerely,

John McGahren

Enclosures

cc w/enclosures:

Bradley Vann, EPA Region 7 Remedial Project Manager (via e-mail and first-class mail)
William Beck, Esq., Lathrop and Gage LLP (via e-mail and first-class mail)
Jessie Merrigan, Esq. Lathrop and Gage LLP (via e-mail and first-class mail)
Steven Miller, Esq., U.S. Department of Energy (via e-mail and first-class mail)
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